

Message Text

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ACTION EUR-25

INFO OCT-01 IO-13 ADP-00 A-01 CPR-02 OIC-04 CU-04 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10 PA-03

RSC-01 PRS-01 SS-15 USIA-15 NEA-10 TRSE-00 MBFR-03

SAJ-01 ACDA-19 AEC-11 OMB-01 RSR-01 /164 W

----- 114932

R 171720Z AUG 73

FM AMEMBASSY BERN

TO SECSTATE WASHDC 8100

USMISSION GENEVA

UNCLAS SECTION 1 OF 2 BERN 3446

E.O. 11652: N/A

TAGS: PFOR, OCON

SUBJECT: PRIVILEGES AND IMMUNITIES FOR DELEGATIONS TO SECOND
PHASE CSCE

1. EMBASSY TODAY RECEIVED NOTE FROM FEDERAL POLITICAL
DEPARTMENT DATED AUGUST 15 CONCERNING PRIVILEGES AND
IMMUNITIES FOR DELEGATIONS TO SECOND STAGE CSCE AT GENEVA.

2. INFORMAL EMBASSY TRANSLATION OF SUBSTANCE OF NOTE
FOLLOWS:

" THE SWISS GOVERNMENT BELIEVES IT OPPORTUNE TO ESTABLISH IN AN
ARRANGEMENT THE JURIDICAL STATUS OF THE DELEGATIONS OF THE
COUNTRIES WHICH WILL PARTICIPATE IN THE SECOND PHASE OF THE
CONFERENCE ON SECURITY AND COOPERATION IN EUROPE.

"WISHING TO GRANT TO THESE DELEGATIONS A STATUS IDENTICAL TO THAT
WHICH IT HAS GRANTED IN THE PAST IN SIMILAR CIRCUMSTANCES, THE
SWISS GOVERNMENT PROPOSES TO GRANT TO THESE DELEGATIONS THE
STATUS, PRIVILEGES, AND IMMUNITIES DEFINED IN THE UN CONVENTION
CONCERNING SPECIAL MISSIONS WHICH WAS ADOPTED BY THE UN GENERAL
ASSEMBLY ON DECEMBER 8, 1969. ALTHOUGH THIS CONVENTION HAS NOT
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ENTERED INTO FORCE, AND SWITZERLAND FOR ITS PART HAS NOT YET

RATIFIED IT, IT ACTUALLY CODIFIES INTERNATIONAL PRACTICE IN THIS SITUATION. ITS TEXT IS VERY CLOSE TO THAT OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF APRIL 18, 1961, AND INDEED A NUMBER OF ITS PROVISIONS HAVE THE SAME TEXT. THE APPLICATION OF THE CONVENTION ON SPECIAL MISSIONS WOULD NOT PREJUDICE IN ANY WAY THE CONVENTION BEING ACCEPTED BY THE PARTICIPATING STATES: THE TEXT WOULD NOT BE USED EXCEPT AS A MATTER OF REFERENCE.

"AS TO PROCEDURE, THE SWISS GOVERNMENT PROPOSES AN EXCHANGE OF LETTERS BETWEEN THE FEDERAL POLITICAL DEPARTMENT AND THE CHIEFS OF DIPLOMATIC MISSIONS OF THE PARTICIPATING STATES ACCREDITED TO BERN, OR, IF THERE IS NO DIPLOMATIC MISSION PRESENT IN THE FEDERAL CAPITAL, WITH THE MINISTRY OF FOREIGN AFFAIRS. A DRAFT LETTER WITH ANNEX IS ATTACHED TO THE PRESENT NOTE. THE EXCHANGE OF LETTERS WOULD TAKE PLACE BEFORE THE BEGINNING OF THE SECOND STAGE OF THE CONFERENCE, AND THE ARRANGEMENT WOULD ENTER INTO EFFECT ON THE DATE ESTABLISHED FOR THE BEGINNING OF THE SECOND STAGE.

"THE POLITICAL DEPARTMENT WOULD APPRECIATE THE EMBASSY'S AGREEMENT TO THE FOREGOING AS SOON AS POSSIBLE.

" AS FAR AS THE EXECUTIVE SECRETARIAT OF THE CONFERENCE IS CONCERNED, THE SWISS GOVERNMENT HAS DECIDED TO GRANT, IN AN ANALOGOUS FASHION, THE PERTINENT PROVISIONS OF THE AGREEMENT (ESTABLISHING UN ORGANIZATION ON SWISS SOIL) CONCLUDED ON APRIL 19, 1946, BETWEEN THE SWISS CONFEDERATION AND THE UN ORGANIZATION."

3. INFORMAL TRANSLATION OF THE DRAFT LETTER FOLLOWS:

"MR. AMBASSADOR:

1. I HAVE THE HONOR TO INFORM YOU THAT THE FEDERAL AUTHORITIES IN AGREEMENT WITH THE AUTHORITIES OF GENEVA WITH REFERENCE TO THE OPENING AT GENEVA OF THE SECOND STAGE OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE ARE PREPARED

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TO GRANT THE DELEGATIONS AS WELL AS THE PERSONS
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INFO OCT-01 IO-13 ADP-00 A-01 CPR-02 OIC-04 CU-04 CIAE-00

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SAJ-01 ACDA-19 AEC-11 OMB-01 RSR-01 /164 W

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FM AMEMBASSY BERN

TO SECSTATE WASHDC 8101

USMISSION GENEVA

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BELONGING TO THEM, THE STATUS, PRIVILEGES, AND IMMUNITIES DEFINED IN THE ANNEX TO THIS LETTER. IF THE AUTHORITIES CAN AGREE TO PROCEEDING IN THIS FASHION, I SUGGEST THAT THE PRESENT LETTER TOGETHER WITH YOUR REPLY WOULD CONSTITUTE AND AGREEMENT BETWEEN THE TWO GOVERNMENTS AND THAT THE ANNEX TO THIS LETTER WOULD TAKE EFFECT UPON THE OPENING OF THE SECOND STAGE OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE.

" I ALSO PROPOSE THAT THE DURATION OF THE VALIDITY OF THIS AGREEMENT WILL BE THE DURATION OF THE SECOND STAGE OF THE CONFERENCE.

" I ALSO HAVE THE HONOR TO ADVISE YOU THAT THE FEDERAL COUNCIL HAS DECIDED TO GRANT THE EXECUTIVE SECRETARIAT OF THE CONFERENCE THE BENEFITS OF THE PERTINENT PROVISIONS OF THE AGREEMENT OF APRIL 19, 1946, BETWEEN THE SWISS CONFEDERATION AND THE UN ORGANIZATION."

4. INFORMAL TRANSLATION OF ANNEX FOLLOWS:

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"1. DELEGATIONS TO THE SECOND STAGE OF THE CSCE IN GENEVA ARE CONSIDERED AS SPECIAL MISSIONS ON THE TERRITORY OF THE SWISS CONFEDERATION.

"2. THE DELEGATIONS AND THE PERSONS WHICH BELONG TO THEM WILL ENJOY ON THE TERRITORY OF THE SWISS CONFEDERATION THE STATUS, PRIVILEGES, AND IMMUNITIES WHICH ARE GRANTED TO SPECIAL MISSIONS, TO REPRESENTATIVES OF A SENDING STATE ON A SPECIAL MISSION, TO MEMBERS OF A MISSION INCLUDING DIPLOMATIC, ADMINISTRATIVE, TECHNICAL, AND SERVICE PERSONNEL AS WELL AS TO MEMBERS OF FAMILIES WHO ACCOMPANY THEM WHICH ARE CONFERRED BY ARTICLES 1-49 INCLUSIVE OF THE CONVENTION ON SPECIAL MISSIONS ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON DECEMBER 8, 1969.

"3. THE MINISTRY OF FOREIGN AFFAIRS WILL COMMUNICATE TO THE FEDERAL POLITICAL DEPARTMENT, VIA THE PERMANENT MISSION OF SWITZERLAND TO THE INTERNATIONAL ORGANIZATIONS AT GENEVA, A LIST OF THOSE PERSONS WHO BELONG TO THEIR DELEGATION AND WHO ARE QUALIFIED TO ENJOY THE STATUS, PRIVILEGES, AND IMMUNITIES MENTIONED IN PARAGRAPH 2 ABOVE. THE LIST WILL INDICATE WHETHER THE INDIVIDUALS CONCERNED ARE DIPLOMATIC PERSONNEL, ADMINISTRATIVE PERSONNEL OR TECHNICAL OR SERVICE MEMBERS OF THE DELEGATIONS.

"4. THE POLITICAL DEPARTMENT WILL DELIVER TO EACH MEMBER OF THE DELEGATIONS AN IDENTITY CARD INDICATING HIS OFFICIAL FUNCTIONS. THESE CARDS WILL BE RETURNED TO THE POLITICAL DEPARTMENT WHEN THE BEARER IS NO LONGER A MEMBER OF THE DELEGATION.

"5. THE HEAD OF DELEGATION IS THE COMPETENT AUTHORITY TO WAIVE THE IMMUNITY OF ANY PERSON BELONGING TO HIS MISSION. IMMUNITY WILL BE WAIVED IN EVERY CASE WHERE, IN HIS OPINION, IMMUNITY WOULD IMPEDE THE COURSE OF JUSTICE OR WHERE ITS BEING WAIVED WOULD NOT NEGATE THE PURPOSE FOR WHICH
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IMMUNITY HAS BEEN GRANTED."

5. FEDERAL POLITICAL DEPARTMENT NOTES THAT PROCEDURE AND IMMUNITIES SIMILAR TO THOSE GRANTED SALT II DELEGATIONS. WE HAVE BEEN TOLD INFORMALLY THAT FPD HOPES THAT NO DELEGATIONS WILL RAISE PROBLEMS CONCERNING THEIR PROPOSALS ON PRIVILEGES AND IMMUNITIES, OTHERWISE

THEY FEAR THERE WILL BE HOPELESS MUDDLE CONSIDERING
NUMBER OF COUNTRIES INVOLVED.

6. ACTION REQUESTED: AUTHORIZE AMBASSADOR TO EXCHANGE
LETTERS WITH FEDERAL COUNCILOR GRABER AS STATED.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 17 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BERN03446
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730832/aaaaaxke.tel
Line Count: 229
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
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Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: kellerpr
Review Comment: n/a
Review Content Flags:
Review Date: 06 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06-Sep-2001 by reddocgw>; APPROVED <30-Jan-2002 by kellerpr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PRIVILEGES AND IMMUNITIES FOR DELEGATIONS TO SECOND PHASE CSCE
TAGS: PFOR, OCON
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005